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Distr.
LIMITED

E/CN.4/1994/L.10/Add.12
11 March 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION 1/

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* Documents E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, will be contained in documents E/CN.4/1994/L.11 and addenda.

1/ Paragraphs 121 to 171 of this addendum have not been edited. They may therefore contain errors. The final text will be corrected later by the secretariat.

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XII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING: (a) QUESTION OF HUMAN RIGHTS IN CYPRUS; (b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED FOR IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990

1. The Commission considered agenda item 12 and sub-item (a) at its 11th and 12th meetings, on 7 and 8 February, at its 39th meeting, on 24 February, at its 43rd meeting, on 25 February, at its 48th to 54th meetings, from 1 to 3 March, at its 57th meeting, on 4 March, and at its 58th to 61st meetings, on 7 and 8 March 1994. 1/ Item 12 (b) was considered by the Commission in closed session (see para. ... below).

2. In connection with the consideration of agenda item 12, the Commission had before it the following documents:

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/48/526);

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/48/526/Add.1);

Note by the Secretary-General on the situation of human rights in Haiti (A/48/561);

Note by the Secretary-General on the situation of human rights in Cuba (A/48/562);

Note by the Secretary-General on the situation of human rights in Myanmar (A/48/578);

Note by the Secretary-General on the situation of human rights in Afghanistan (A/48/584);

Note by the Secretary-General on the situation of human rights in Iraq (A/48/600);

Note by the Secretary-General on the situation of human rights in Iraq (A/48/600/Add.1);

Note by the Secretary-General on the situation of human rights in Sudan (A/48/601);

Letter dated 22 February 1994 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/48/875);

Periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission of Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/3);

Second periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/4);

Report of the Secretary-General on rape and abuse of women in the territory of the former Yugoslavia (E/CN.4/1994/5);

Third periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/6);

Report by the Special Rapporteur, Mr. Bacre Waly Ndiaye, submitted pursuant to Commission on Human Rights resolution 1993/71, on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7 and Corr.1 and Add.1 and 2);

Fourth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 - Mostar: the cause for concern (E/CN.4/1994/8);

Report of the Secretary-General provided pursuant to Commission on Human Rights decision 1993/109, on the question of human rights in Cyprus (E/CN.4/1994/46);

Fifth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/47);

Report of the Sp2104X32

of Commission resolution 1993/7 (E/CN.4/1994/47);

Report of the Special Rapporteur, Mr. Gásper Biró, on the situation of human rights in the Sudan, submitted in accordance with Commission resolution 1993/60 (E.CN/4/1994/48);
Report by the Secretary-General on the situation of human rights in Zaire (E/CN.4/1994/49);

Final report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1993/62 and Economic and Social Council decision 1993/273 (E/CN.4/1994/50);
Report on the situation of human rights in Cuba, prepared by the Special Rapporteur, Mr. Carl-Johan Groth, in accordance with Commission resolution 1993/63 (E/CN.4/1994/51);
Report of the Secretary-General on cooperation with representatives with United Nations human rights bodies, prepared in accordance with Commission on Human Rights resolution 1993/64 (E/CN.4/1994/52);
Final report on the situation of human rights in Afghanistan submitted by Mr. Felix Ermacora, Special Rapporteur, in accordance with Commission on Human Rights resolution 1993/66 (E/CN.4/1994/53);
Report of the Secretary-General on the situation of human rights in southern Lebanon (E/CN.4/1994/54);
Report on the situation of human rights in Haiti, submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur, in accordance with Commission resolution 1993/68 (E/CN.4/1994/55);
Report on the human rights situation in the Republic of Equatorial Guinea prepared by Mr. Alejandro Artucio, Special Rapporteur of the Commission, pursuant to Commission resolution 1993/69 (E/CN.4/1994/56);
Report on the situation of human rights in Myanmar, prepared by Mr. Yozo Yokota, Special Rapporteur, in accordance with Commission resolution 1993/73 (E/CN.4/1994/57);
Report on the situation of human rights in Iraq, submitted by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1993/74 (E/CN.4/1994/58);

Report by the Secretary-General on the situation of human rights in Togo (E/CN.4/1994/59);

Report of the Secretary-General on human rights violations in Bougainville (E/CN.4/1994/60);

Report of the Secretary-General on the situation of human rights in East Timor (E/CN.4/1994/61);

Note by the Secretariat (E/CN.4/1994/97);

Note verbale dated 3 January 1994 from the Permanent Mission of Iraq to the United Nations Office at Geneva addressed to the Commission on Human Rights (E/CN.4/1994/102);

Letter dated 28 January 1994 from the Permanent Representative of the Transitional Government of Ethiopia to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/103);

Letter dated 1 February 1994 from the Permanent Representative of the Republic of Bosnia and Herzegovina to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/104);

Sixth periodic report on the situation of human rights in the territory of the former Yugoslavia submitted by Mr. Tadeusz Mazowiecki, Special Rapporteur of the Commission on Human Rights, pursuant to paragraph 32 of Commission resolution 1993/7 (E/CN.4/1994/110);

Letter dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/115);

Note verbale dated 10 February 1994 from the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights (E/CN.4/1994/119);

Letter dated 25 February 1994 from the Secretary of Foreign Affairs and Trade of Papua New Guinea addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/120);

Letter dated 18 February 1994 from the Permanent Representative of Sudan to the United Nations Office at Geneva addressed to the Assistant Secretary-General for Human Rights (E/CN.4/1994/122);

Letter dated 23 February 1994 from the Permanent Representative of Georgia to the United Nations addressed to the Chairman of the fiftieth session of the Commission on Human Rights (E/CN.4/1994/123);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/7);

Written statement submitted by the International Federation of Action of Christians for the Abolition of Torture, a non-governmental organization on the Roster (E/CN.4/1994/NGO/9);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/12);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/13);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/14);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/15);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/22);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/23);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/24);

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I) (E/CN.4/1994/NGO/26);

Written statement submitted by Centre Europe-Tiers Monde, a non-governmental organization on the Roster (E/CN.4/1994/NGO/28);

Written statement submitted by the International Association of Educators for World Peace, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/29);

Written statement submitted by the Humanitarian Law Project, a non-governmental organization on the Roster (E/CN.4/1994/NGO/37);

Written statement submitted by World Confederation of Labour, World Federation of Trade Unions, non-governmental organizations in consultative status (category I); International Association for the Defence for Religious Liberty, International Association of Democratic Lawyers, International Association of Penal Law, Latin American Federation of Associations of Relatives of Disappeared Detainees, Pax Christi International, Pax Romana, Women's International League for Peace and Freedom, non-governmental organizations in consultative status (category II); Centre Europe-Tiers Monde, International Falcon Movement, International Movement against All Forms of Discrimination and Racism, Movement against Racism and for Friendship among Peoples, World Organization against Torture, non-governmental organizations on the Roster (E/CN.4/1994/NGO/40);

Written statement submitted by World Federation of Labour, a non-governmental organization in consultative status (category I); American Association of Jurists, Disabled People's International, International Association for the Defence of Religious Liberty, International League for the Rights and Liberation of Peoples, Latin American Federation of Associations of Relatives of Disappeared Detainees and Pax Christi International, non-governmental organizations in consultative status (category II); International Educational Development Inc., International Falcon Movement, International Movement against All Forms of Discrimination and Racism and Movement against Racism and for Friendship among Peoples, non-governmental organizations on the Roster (E/CN.4/1994/NGO/42);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/43);

Written statement submitted by Pax Christi International, a non-governmental organization in consultative status (category II) (E/CN.4/1994/NGO/44).

3. At the 11th meeting, the Special Rapporteur, Mr. Tadeusz Mazowiecki, appealed to the Commission to take a position in regard to the situation in Sarajevo, following the massacre in the Market Square, on 5 February 1994.

4. At the 12th meeting, the Chairman of the Commission on Human Rights at the fiftieth session read out the following statement on behalf of the Commission:

"The Commission on Human Rights, assembled at its fiftieth session, is shocked by the horrible massacre at the Market Square of Sarajevo on 5 February 1994, which took the lives of 68 civilians and left many more wounded. This deliberate and indiscriminate shelling of the civilian population of Sarajevo is part of a pattern of despicable and outrageous violations in international humanitarian law and of human rights.

"The Commission on Human Rights, assembled at its fiftieth session, having listened to the statement of the Special Rapporteur on the human rights situation in the former Yugoslavia, calls in the strongest possible terms for firm and resolute action to be taken immediately by the international community in order to stop these human rights violations, ethnic cleansing and other genocidal acts, rape and abuse of women, strangulation of Bosnian cities, shelling and killing of civilians, to secure a just and lasting peace in the Republic of Bosnia and Herzegovina and to bring the war criminals to trial."

5. At the 39th meeting, the Special Rapporteur on the situation of human rights in Iraq, Mr. Max van der Stoel, introduced his report (E/CN.4/1994/58).

6. At the same meeting, the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, introduced his report (E/CN.4/1994/47).

7. At the 43rd meeting, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Mr. Reynaldo Galindo Pohl, introduced his report (E/CN.4/1994/50).

8. At the same meeting, the Special Rapporteur on the situation of human rights in Afghanistan, Mr. Felix Ermacora, introduced his report (E/CN.4/1994/53).

9. At the same meeting, the Special Rapporteur on the situation of human rights in Haiti, Mr. Marco Tulio Bruni Celli, introduced his report (E/CN.4/1994/55).

10. At the same meeting, the Special Rapporteur on the situation of human rights in Myanmar, Mr. Yozo Yokoto, introduced his report (E/CN.4/1994/57).

11. At the 49th meeting, on 2 March 1994, the Special Rapporteur on the situation of the human rights in Sudan, Mr. Gáspar Biró, introduced his report (E/CN.4/1994/48).

12. At the same meeting, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr. Bacre Waly Ndiaye, introduced his report (E/CN.4/1994/7 and Corr.1 and Add.1 and 2).

13. At the same meeting, the Special Rapporteur on the situation of human rights in Equatorial Guinea, Mr. Alejandro Artucio, introduced his report (E/CN.4/1994/56).

14. At the same meeting, the Special Rapporteur on the situation of human rights in Cuba, Mr. Carl-Johan Groth, introduced his report (E/CN.4/1994/51).

15. In the general debate on item 12, statements 3/ were made by the following members of the Commission: Australia (54th), Austria, (52nd), Barbados (on behalf of the States members of the Caribbean Community represented in Geneva) (59th), Brazil (51st), Bulgaria (54th), Canada (60th), China (50th and 60th), Chile (60th), Colombia (54th), Cuba (49th and 61st), Cyprus (51st), Ecuador (54th), Finland (60th), Hungary (58th), India (61st), Indonesia (54th), Iran (Islamic Republic of) (54th and 58th), Japan (60th), Kenya (54th), Lesotho (54th), Libyan Arab Jamahiriya (54th), Malaysia (51st), Malawi (60th), Mauritania (58th), Netherlands (60th), Nigeria (48th and 51st), Pakistan (52nd and 60th), Poland (59th), Republic of Korea (60th), Russian Federation (60th), Sri Lanka (59th), Sudan (49th), Syrian Arab Republic (60th), Togo (58th), United States of America (58th), Venezuela (60th).

16. The Commission heard statements by the observers for: Albania (58th), Algeria (60th), Argentina (52nd), Armenia (60th), Azerbaijan (61st), Bosnia and Herzegovina (50th), Czech Republic (58th), Democratic People's Republic of Korea (61st), Egypt (54th), Ethiopia (60th), Ghana (54th), Greece (52nd), Greece (on behalf of the European Union and its member States) (51st), Haiti (61st), Iraq (52nd), Kuwait (58th), Lebanon (48th), Liechtenstein (61st), Myanmar (59th), Norway (54th), Philippines (58th), Senegal (58th), Slovak Republic (54th), Sweden (54th), Turkey (50th).

17. The observer for Switzerland made a statement (60th).

18. The Commission also heard statements by the representatives of the following non-governmental organizations: African Association of Education for Development (51st), All India Women's Conference (51st), American Association of Jurists (51st), Amnesty International (50th), Andean Commission of Jurists (60th), Anti-Slavery Society for the Protection of Human Rights (51st), Arab Lawyers Union (51st), Arab Organization for Human Rights (50th), Article XIX: The International Centre against Censorship (53rd), Baha'i International Community (50th), Centre Europe-Tiers Monde (61st), Christian Democratic International (51st), Christian Solidarity International (59th), Commission for the Defence of Human Rights in Central America (54th), Commission of the Churches on International Affairs of the World Council of Churches (51st), France-Libertés - Fondation Danielle Mitterrand (50th), Human Rights Advocates (50th), Human Rights Watch (51st), Indian Council of South America (53rd), Indian Institute for Non-Aligned Studies (61st), International Association for the Defence of Religious Liberty (53rd), International Association of Democratic Lawyers (58th), International Association of Educators for World Peace (53rd), International Commission of Jurists (53rd), International Confederation of Free Trade Unions (54th), International Council of Voluntary Agencies (53rd), International Educational Development (53rd), International Falcon Movement - Socialist Educational International (58th), International Federation of Human Rights (50th), International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities (61st), International Federation Terre des Hommes (52nd), International Fellowship of Reconciliation (59th),

International Indian Treaty Council (51st), International Islamic Federation of Student Organizations (58th), International League for Human Rights (58th), International League for the Rights and Liberation of Peoples (52nd), International Lesbian and Gay Association (59th), International Movement against All Forms of Discrimination and Racism (54th), International Movement for Fraternal Union Among Races and Peoples (59th), International Organization for the Elimination of All Forms of Racism and Discrimination (60th), International Peace Bureau (54th), International PEN (53rd), International Union of Young Christian Democrats (51st), International Working Group for Indigenous Affairs (54th), Inter-Parliamentary Union (50th), Latin American Federation of Associations of Relatives of Disappeared Detainees (61st), Liberation (61st), Minority Rights Group (51st), Movement against Racism and For Friendship Among Peoples (54th), Muslim World League (59th), Pakistan Women's Association (59th), Pax Christi (53rd), Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students) (58th), Service, Peace and Justice in Latin America (53rd), Sierra Club Legal Defence Fund (60th), Survival International (51st), Third World Movement against the Exploitation of Women (58th), Union of Arab Jurists (53rd), War Resisters' International (51st), World Alliance of Reformed Churches (53rd), World Christian Life Community (53rd), World Confederation of Labour (54th), World Conference on Religion and Peace (59th), World Federalist Movement (51st), World Muslim Congress (53rd), World Organization against Torture (51st), World Society of Victimology (53rd).

19. A joint statement was made by the International Federation of Action of Christians for the Abolition of Torture (51st) on behalf of the following non-governmental organizations: France-Libertés - Fondation Danielle Mitterrand, International Federation of Human Rights.

20. A joint statement was also made by the World Student Christian Federation (60th) on behalf of the following non-governmental organizations: International Union of Students, World Federation of Democratic Youth.

21. A joint statement was also made by the Regional Council on Human Rights in Asia (61st) on behalf of the following non-governmental organizations: Human Rights Advocates, International Movement against All Forms of Discrimination and

Racism, International Movement for Fraternal Union Among Races and Peoples, Pax Christi International, Third World Movement against the Exploitation of Women, World Alliance of Reformed Churches, World Christian Life Community, World Student Christian Federation.

22. Statements in exercise of the right of reply or the equivalent were made by the representatives of Algeria (60th), Bangladesh (54th), China (60th), Cuba (52nd, 54th and 60th), Democratic People's Republic of Korea (61st), Equatorial Guinea (52nd), Egypt (60th), Ethiopia (52nd), Guatemala (60th), India (54th, 57th and 61st), Indonesia (60th), Iraq (51st, 54th and 60th), Iran (Islamic Republic of) (60th), Kuwait (60th), Lithuania (61st), Morocco (60th), Myanmar (54th), Pakistan (57th and 61st), Peru (52nd), Republic of Korea (54th and 61st), Sudan (52nd and 61st), Turkey (52nd) and Viet Nam (60th).

23. At the 61st meeting, on 8 March 1994, the Chairman of the Commission on Human Rights at its fiftieth session read out the following statement on behalf of the Commission:

"The Commission will recall that in the course of its consideration of item 12, a number of comments were addressed to various aspects of the reports of the Special Rapporteurs which were before it on this item.

"It is only normal and appropriate for any delegation to express its views on the contents of these reports.

"However, the Chair has noted that a number of these comments have reflected serious doubts on the integrity of one of its Special Rapporteurs.

"It is my duty as your Chairman to remind the Commission that the Special Rapporteurs are appointed by the Commission on Human Rights and entrusted with mandates that are often delicate and always sensitive. Special Rapporteurs are the result of a solemn decision of the International Community as represented in this body: they are the agents of the Commission on Human Rights, no more, no less. To cast any doubts on the integrity of the Special Rapporteurs is to cast them on the Commission itself. It is, therefore, the duty of this Commission to ensure that, whilst respecting the right to freedom of expression and the right to

disagree, the character and integrity of its Special Rapporteurs are not called into question."

[This statement will be translated into French later]

Situation of human rights in Sri Lanka

24. At the 64th meeting, the Chairman of the Commission made the following statement:

"The Commission acknowledges the statement of the representative of Sri Lanka concerning the situation of human rights in Sri Lanka and welcomes the Government's continuing cooperation with the Commission.

The Government of Sri Lanka has outlined a programme of work which is to be implemented in the course of the coming year which, inter alia, includes commitments to: the further revision of the Emergency Regulations; the promotion of accountability through the vigorous undertaking of investigations and institution of prosecutions against human rights violators; taking all possible steps to prevent injury to civilians in the course of military operations; implementation of the recommendations made by the Working Group on Enforced or Involuntary Disappearances.

The efforts of the Government to arrive at a negotiated political settlement to the problems in the north and the east of the country should be encouraged.

As requested by the delegation of Sri Lanka, this acknowledgement will be included in the final report of the Commission and the statement of the delegation of Sri Lanka in its entirety in the summary records of this session."

Situation of human rights in East Timor

25. At the same meeting, the Chairman of the Commission, further to consultations, read out the following statement to indicate the Commission's consensus agreement in connection with the situation of human rights in East Timor:

"The Commission on Human Rights discussed the human rights situation in East Timor. The Commission notes with concern continuing allegations of human rights violations in East Timor, while recognizing the positive measures taken by the Government of Indonesia to improve the situation.

The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in the consensus Chairman's statement at its forty-eighth session on the matter, and stresses the need to take further steps towards its implementation.

A matter of preoccupation to the Commission is the incomplete information concerning the number of people killed and the persons still unaccounted for as a result of the Dili violent incident of 12 November 1991. While acknowledging the efforts made to account for those persons, the Commission calls upon the Government of Indonesia to continue its investigation on those still missing and the circumstances surrounding the matter.

The Commission expresses the hope that the cooperation between the ICRC and the Government of Indonesia will continue. It calls upon the Indonesian authorities to ensure that those East Timorese in custody are treated humanely and that their rights are fully respected, and to take further appropriate measures aimed at early release of those convicted.

The Commission is encouraged by the greater access recently granted by the Indonesian authorities to human rights of humanitarian organizations as well as international media, and calls upon them to continue this policy of expanding access.

The Commission welcomes the undertaking by the Government of Indonesia to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit East Timor and to submit his report at its fifty-first session. In the same spirit, the Commission takes note of the intention of the Government of Indonesia to continue to cooperate with other relevant thematic special rapporteurs and/or working groups, and to invite them to visit East Timor when necessary for the fulfilment of their duties.

The Commission welcomes the current dialogue between Indonesia and Portugal under the auspices of the United Nations Secretary-General and encourages him to continue his good offices in order to achieve a just, comprehensive and internationally acceptable settlement to the question of East Timor. In this context, the Commission stresses the importance of the

understanding reached on confidence-building measures between the two Governments and welcomes the recent mission undertaken by Mr. Francese Vendrell as representative of the Secretary-General in order to promote further progress in that dialogue.

The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider it at its fifty-first session."

Situation of human rights in Jammu and Kashmir

26. At the same meeting, the Chairman proposed that consideration of draft resolution E/CN.4/1994/L.40 should be postponed.

27. Statements in connection with the proposal were made by the representatives of India, the Islamic Republic of Iran and Pakistan.

28. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.40.

29. At the 65th meeting, on 9 March 1994, the representative of Pakistan introduced draft resolution E/CN.4/1994/L.40, sponsored by him. Saudi Arabia* and Bosnia and Herzegovina* subsequently joined the sponsor.

30. Statements in connection with the draft resolution were made by the representatives of Australia, Brazil, China, Colombia, Costa Rica, Guinea-Bissau, India, Indonesia, Islamic Republic of Iran, Libyan Arab Jamahiriya, Malaysia, Malawi, Mauritania, Mexico, Nigeria, Pakistan, Syrian Arab Republic and Tunisia.

31. The Commission decided to take no action on the draft resolution.

32. A statement in explanation of his delegation's position was made by the representative of the Syrian Arab Republic.

33. For the text of the decision, see chapter II, section B, decision 1994/109.

Cooperation with representatives of United Nations human rights bodies

34. At the 64th meeting, on 9 March 1994, the representative of Hungary introduced draft resolution E/CN.4/1994/L.77, sponsored by Australia, Austria, Costa Rica, Czech Republic*, Gambia*, Hungary, Sweden* and Switzerland*. Canada, Chile, Haiti and the United States of America subsequently joined the sponsors.

35. The draft resolution was adopted without a vote.

36. For the text as adopted, see chapter II, section A, resolution 1994/70.

Situation in Equatorial Guinea

37. At the same meeting, the representative of Costa Rica introduced draft resolution E/CN.4/1994/L.78, sponsored by him.

38. The Commission decided to postpone consideration of the draft resolution.

39. At the 66th meeting, on 9 March 1994, the Commission resumed consideration of draft resolution E/CN.4/1994/L.78.

40. The representative of Costa Rica orally revised the draft resolution as follows:

(a) In the sixth preambular paragraph, the words "pluralistic nature" were replaced by "transparent nature";

(b) In the seventh preambular paragraph, the words "from continual reports" were inserted after "the fact that";

(c) In operative paragraph 2, the word "at" was replaced by "at continual reports about";

(d) In operative paragraph 7, the words "to re-open" were replaced by "to continue".

41. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

42. The draft resolution was adopted without a vote.

43. For the text as adopted, see chapter II, section A, resolution 1994/89.

Situation of human rights in Cuba

44. At the 64th meeting, on 9 March 1994, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.79, sponsored by Albania*, Australia, Belgium*, Bulgaria, Canada, Czech Republic*, Denmark*, Finland, France, Gambia*, Germany, Hungary, Iceland*, Ireland*, Japan, Kuwait*, Lithuania*, Luxembourg*, Netherlands, Nicaragua*, Norway*, Poland, Portugal*, Republic of Korea, Romania, Slovakia*, Slovenia*, Sweden*, United Kingdom of Great Britain and Northern Ireland and United States of America. El Salvador* subsequently joined the sponsors.

45. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission

was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

46. The representative of Cuba raised a question in connection with the statement made in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. The representative of the secretariat answered the question.

47. A statement was made by the representative of Cuba before the vote.

48. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution.

49. The draft resolution was adopted by 24 votes to 9, with 20 abstentions. The voting was as follows:

In favour: Australia, Austria, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Mauritius, Netherlands, Pakistan, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Angola, Bangladesh, Barbados, Brazil, Cameroon, Colombia, Côte d'Ivoire, Gabon, Kenya, Lesotho, Malawi, Malaysia, Mauritania, Mexico, Nigeria, Peru, Sri Lanka, Togo, Tunisia, Venezuela.

50. Statements in explanation of their delegations' positions were made by the representatives of Chile and the Libyan Arab Jamahiriya after the vote.

51. For the text as adopted, see chapter II, section A, resolution 1994/71.

Situation of human rights in the territory of the former Yugoslavia: violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

52. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.80, sponsored by Australia, Austria, Bulgaria, Denmark*, France, Hungary, Ireland*, Italy, Japan, Norway*, Poland, Slovenia*, Sweden*, United Kingdom of Great Britain and Northern Ireland,

United States of America and Uruguay. Belgium*, Canada, Chile, Czech Republic*, Finland, France, Germany, Guinea-Bissau, Iceland*, Liechtenstein*, Luxembourg*, Netherlands, New Zealand*, Poland, Portugal*, Romania, Slovakia*, Slovenia*, Spain* and Switzerland* joined the sponsors.

53. The representative of the United States of America orally revised the draft resolution as follows:

(a) In the eleventh preambular paragraph, the words "its Co-Chairmen and Steering Committee" were replaced by "including the Co-Chairmen and members of the Steering Committee of the International Conference on the Former Yugoslavia";

(b) In operative paragraph 24, the phrase "under the joint responsibility of a member of the Working Group and the Special Rapporteur" was replaced by "and requests the Working Group, represented by one of its members, to cooperate as appropriate with the Special Rapporteur in dealing with this issue".

54. Statements in connection with the draft resolution were made by the representatives of Bangladesh and Malaysia.

55. Statements in explanation of their delegations' positions were made by the representatives of Indonesia and Pakistan.

56. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

57. The draft resolution was adopted without a vote.

58. For the text as adopted, see chapter II, section A, resolution 1994/72.

Situation of human rights in the Islamic Republic of Iran

59. At the 65th meeting, the observer for Greece* introduced draft resolution E/CN.4/1994/L.81, sponsored by Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Japan, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Portugal*, Spain*, Sweden*, Switzerland*, United Kingdom of Great Britain and Northern Ireland and United States of America. Australia, Costa Rica and Iceland subsequently joined the sponsors.

60. A statement in connection with the draft resolution was made by the representative of the Islamic Republic of Iran.

61. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

62. At the request of the representative of the Islamic Republic of Iran, a roll-call vote was taken on the draft resolution.

63. The draft resolution was adopted by 22 votes to 11, with 19 abstentions. The voting was as follows:

In favour: Australia, Austria, Barbados, Brazil, Canada, Chile, Costa Rica, Ecuador, Finland, France, Germany, Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Peru, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Pakistan, Sudan, Syrian Arab Republic.

Abstaining: Angola, Bulgaria, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Gabon, Guinea-Bissau, Kenya, Lesotho, Mauritania, Nigeria, Poland, Republic of Korea, Romania, Sri Lanka, Togo, Tunisia, Uruguay.

64. Statements in explanation of their delegations' positions were made after the vote by the representatives of the Libyan Arab Jamahiriya and the Republic of Korea.

65. For the text as adopted, see chapter II, section A, resolution 1994/73.

Situation of human rights in Iraq

66. At the same meeting, the observer for Greece* introduced draft resolution E/CN.4/1994/L.82, sponsored by Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Hungary, Ireland*, Italy, Japan, Kuwait*, Liechtenstein*, Luxembourg*, Netherlands, Norway*, Portugal*, Spain*, Switzerland* and the United Kingdom of Great Britain and Northern Ireland. Australia, the Czech Republic*, Iceland*, Slovakia*, Sweden* and the United States of America subsequently joined the sponsors.

67. A statement in connection with the draft resolution was made by the representative of Iraq.

68. A statement in explanation of his delegation's position was made before the vote by the representative of Sudan.

69. In accordance with rule 28 of the rules of procedure of functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

70. At the request of the representative of the Sudan, a roll-call vote was taken on the draft resolution.

71. The draft resolution was adopted by 34 votes to 1, with 18 abstentions. The voting was as follows:

In favour: Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, Indonesia, Iran (Islamic Republic of), Italy, Japan, Malawi, Mauritius, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Sudan

Abstaining: Angola, Bangladesh, Cameroon, China, Côte d'Ivoire, Cuba, Guinea-Bissau, India, Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Togo, Tunisia.

72. Statements in explanation of their delegations' positions were made after the vote by the representatives of Indonesia and the Syrian Arab Republic.

73. For the text as adopted, see chapter II, section A, resolution 1994/74.

Situation of human rights in China

74. At the same meeting, the observer for Greece* introduced draft resolution E/CN.4/1994/L.83, sponsored by Belgium*, Denmark*, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, Netherlands, Norway*, Portugal*, Spain*, Sweden, Switzerland*, the United Kingdom of Great Britain and Northern Ireland

and the United States of America. Australia, Canada, Finland, Iceland*, Japan and Liechtenstein* subsequently joined the sponsors.

75. Under article 65, paragraph 2, of the rules of procedure of functional commissions of the Economic and Social Council, a motion requiring that the Commission take no decision on draft resolution E/CN.4/1994/L.83 was introduced by the representative of China.

76. Statements in connection with that motion were made by the representatives of Cuba, the Islamic Republic of Iran, Mauritania, Nigeria, Pakistan, Sri Lanka, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

77. At the request of the representative of China, a roll-call vote was taken on the motion.

78. The motion was adopted by 20 votes to 16, with 17 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Cameroon, China, Côte d'Ivoire, Cuba, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo.

Against: Australia, Austria, Bulgaria, Canada, Costa Rica, Finland, France, Germany, Guinea-Bissau, Hungary, Italy, Japan, Netherlands, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Barbados, Brazil, Chile, Colombia, Cyprus, Ecuador, Lesotho, Malawi, Mauritius, Mexico, Peru, Poland, Republic of Korea, Romania, Tunisia, Uruguay, Venezuela.

79. Statements in explanation of their delegations' positions were made after the vote by the representatives of Cameroon, Mauritius and the Russian Federation.

80. For text as adopted, see chapter II, section B, decision 1994/108.

Situation of human rights in the Republic of Bosnia and Herzegovina

81. At the same meeting, under rule 65, paragraph 1, of the rules of procedure of functional commissions of the Economic and Social Council, the representative of the Russian Federation proposed that the Commission should take no decision on draft resolutions E/CN.4/1994/L.84 and E/CN.4/1994/L.85/Rev.1.

82. At the request of the representative of Cuba a roll-call vote was taken on the proposal.

83. The proposal that the Commission should take no decision on draft resolutions E/CN.4/1994/L.84 and E/CN.4/1994/L.85/Rev.1 was rejected by 26 votes to 15, with 11 abstentions. The voting was as follows:

In favour: Australia, Brazil, Canada, Cyprus, Finland, France, Hungary, Italy, Japan, Netherlands, Poland, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Ecuador, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Nigeria, Pakistan, Peru, Sudan, Syrian Arab Republic, Tunisia, Uruguay.

Abstaining: Angola, Austria, Barbados, Bulgaria, Germany, India, Mexico, Republic of Korea, Sri Lanka, Togo, Venezuela.

84. At the same meeting, the representative of Pakistan introduced draft resolution E/CN.4/1994/L.84, sponsored by Bangladesh, Brunei Darussalam*, Indonesia, Iran (Islamic Republic of), Jordan*, Mauritania, Malaysia, Oman*, Pakistan, Qatar*, Senegal*, Sudan and Tunisia. Afghanistan, Albania, Algeria, Austria, Bahrain, Bosnia and Herzegovina, Chile, Kuwait, Mauritius, Morocco, Saudi Arabia, Turkey and the United Arab Emirates subsequently joined the sponsors.

85. Statements in explanation of their delegations' positions were made before the vote by the representatives of the Russian Federation and the United States of America.

86. At the request of the representative of the Russian Federation, a roll-call vote was taken on the draft resolution.

87. The draft resolution was adopted by 41 votes to 1, with 10 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Finland, Gabon, Germany, Guinea-Bissau, Hungary, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Republic of Korea, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: Russian Federation.

Abstaining: Cyprus, France, India, Italy, Japan, Malawi, Poland, Romania, United Kingdom of Great Britain and Northern Ireland, United States of America.

88. Statements in explanation of their delegations' positions were made after the vote by the representatives of Germany and the Netherlands.

89. For the text as adopted, see chapter II, section A, resolution 1994/75.

Situation of human rights in Kosovo

90. On 4 March 1994, draft resolution E/CN.4/1994/L.85 was introduced by Bangladesh, Indonesia, Iran (Islamic Republic of), Jordan*, Malaysia, Oman*, Pakistan, Qatar*, Senegal*, Sudan and Tunisia.

91. At the 65th meeting, on 9 March 1994, the representative of Pakistan introduced a revised draft resolution (E/CN.4/1994/L.85/Rev.1), with the same sponsors as draft resolution E/CN.4/1994/L.85. Albania, Algeria, Austria, Bahrain, Bosnia and Herzegovina, Chile, Croatia, Gambia, Germany, Ireland, Kuwait, Mauritius and Saudi Arabia subsequently joined the sponsors of the revised draft resolution.

92. The representative of Pakistan orally revised the draft resolution as follows:

(a) in the first preambular paragraph, insert a comma after "human rights" and delete the word "and";

(b) in the fourth preambular paragraph, subparagraph (d), delete the word "other" and, before the words "the medical profession", insert "other categories of".

93. The draft resolution, as orally revised, was adopted without a vote.

94. Statements in explanation of their delegations' positions were made by the representatives of India and the Russian Federation.

95. For the text as adopted, see chapter II, section A, resolution 1994/76.

Rape and abuse of women in the territory of the former Yugoslavia

96. On 4 March 1994, a draft resolution (E/CN.4/1994/L.86) was introduced by the following countries: Brunei Darussalam*, Iran (Islamic Republic of), Jordan*, Kuwait*, Malaysia, Pakistan, Senegal and Sudan.

97. At the 65th meeting, on 9 March 1994, the representative of Malaysia introduced a revised draft resolution (E/CN.4/1994/L.86/Rev.1), with the same sponsors as draft resolution E/CN.4/1994/L.86, joined by Albania*, Bahrain*, Bangladesh, Bosnia and Herzegovina*, Chile, Germany, Ireland*, Malawi, Mauritius, Saudi Arabia*, Sweden*, Syrian Arab Republic and Turkey*.

98. The representative of the Russian Federation requested a vote on the sixth preambular paragraph.

99. The representative of Cuba requested a roll-call vote on the paragraph.

100. The paragraph was retained by 48 votes to none, with 5 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Guinea-Bissau, Hungary, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Republic of Korea, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: India, Poland, Romania, Russian Federation, Sri Lanka.

101. The draft resolution was adopted without a vote.

102. For the text as adopted, see chapter II, section A, resolution 1994/77.

Situation of human rights in Togo

103. At the same meeting, the representative of Germany introduced draft resolution E/CN.4/1994/L.87, sponsored by France and Germany. Belgium*, Czech Republic*, Denmark*, Greece*, Hungary, Portugal* and Spain* subsequently joined the sponsors.

104. The representative of Guinea-Bissau proposed the following amendment:

(a) In operative paragraph 10, the word "relevant" was inserted before the words "agenda item";

(b) In the same paragraph, the words "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories" were deleted.

105. The representatives of China, Cuba and Nigeria made statements in connection with the draft resolution and the proposed amendments.

106. The representative of Germany agreed to the proposed amendments.

107. The draft resolution, as amended, was adopted without a vote.

108. For the text as adopted, see chapter II, section A, resolution 1994/78.

Situation of human rights in the Sudan

109. At the same meeting, the representative of the United States of America introduced draft resolution E/CN.4/1994/L.90, sponsored by Australia, Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Hungary, Ireland*, Italy, Japan, Netherlands, Norway*, Sweden*, United Kingdom of Great Britain and Northern Ireland and the United Stated of America. Luxembourg*, Mauritius, Poland, Portugal*, Spain* and Switzerland* subsequently joined the sponsors.

110. The representative of the Sudan made a statement in connection with the draft resolution.

111. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1994/L.90.

112. The representative of the Sudan requested a roll-call vote on the draft resolution.

113. The draft resolution was adopted by 35 votes to 9, with 9 abstentions. The voting was as follows:

In favour: Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, Italy, Japan, Lesotho, Malawi, Mauritius, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Bangladesh, China, Cuba, India, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Sudan, Syrian Arab Republic.

Abstaining: Cameroon, Guinea-Bissau, Kenya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Togo.

114. A statement in explanation of his delegation's position was made by the representative of the Libyan Arab Jamahiriya after the vote.

115. For the text as adopted, see chapter II, section A, resolution 1994/79.

Situation of human rights in Haiti

116. At the 66th meeting, on 9 March 1994, the representative of Venezuela introduced draft resolution E/CN.4/1994/L.91, sponsored by Argentina*, Austria, Barbados, Belgium*, Brazil, Chile, Colombia, Costa Rica, Denmark*, Ecuador, Finland, France, Germany, Haiti*, Hungary, Ireland*, Italy, Japan, Luxembourg*, Mexico, Netherlands, Norway*, Peru, Portugal*, Senegal*, Spain*, Sweden*, Switzerland*, Uruguay and Venezuela. Australia, Canada, Jamaica*, Switzerland*, Turkey* and the United Kingdom of Great Britain and Northern Ireland subsequently joined the sponsors.

117. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1994/L.91.

118. The draft resolution was adopted without a vote.

119. For the text as adopted, see chapter II, section A, resolution 1994/80.

Human rights violations in Bougainville

120. On 4 March 1994, draft resolution E/CN.4/1994/93 had been submitted by Guinea-Bissau and Nigeria. Gambia subsequently joined the sponsors. The draft resolution read as follows:

"Human rights violations in Bougainville

"The Commission on Human Rights,

"Guided by the relevant provisions of the Charter of the United Nations and the Universal Declaration of Human Rights, with particular reference to the Geneva Conventions relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and the relevant provisions of the Hague Conventions of 1899 and 1907,

"Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

"Reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of other rights,

"Recalling that, by adopting the Universal Declaration of Human Rights, Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect and observance of human rights and fundamental freedoms,

"Mindful of its responsibility under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

"Recognizing that popular participation in its various forms is an important factor in the full realization of all human rights,

"Recognizing also that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

"Conscious that, in various situations, indigenous people are unable to enjoy their inalienable human rights and fundamental freedoms,

"Seriously concerned about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in Bougainville,

"Welcoming the invitation extended by the Government of Papua New Guinea to the European Economic Community - African Caribbean and Pacific Joint Assembly, as well as some other relevant international observers, but remaining disappointed that such access has in the past been consistently denied,

"Bearing in mind the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in resolution 43/173 of 9 December 1988 and the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

"Noting the provisions of the Convention on the Rights of the Child, which acknowledges that there are in all parts of the world children living in especially difficult conditions and that special attention should be granted to those children,

"Noting also General Assembly resolution 44/88 of 8 December 1989, in which the Assembly proclaimed 1994 as the International Year of the Family,

"Recalling Sub-Commission on the Prevention of Discrimination and the Protection of Minorities resolution 1992/19 of 27 August 1992,

"Also recalling Commission on Human Rights resolution 1993/76 of 10 March 1993,

"Having heard the comments made during the fiftieth session of the Commission,

"Having examined the report of the Secretary-General on the situation in Bougainville (E/CN.4/1994/60),

"Concerned that information from the Government of Papua New Guinea has not been provided to the Commission on actions it has taken during the past year,

"Concerned also at reports about incidents where private individuals have been hampered in their efforts to avail themselves of procedures

established under United Nations auspices for the protection of human rights and fundamental freedoms,

"Recognizing that Bougainville's tragic recent history requires special measures to assure the protection of human rights,

"Emphasizing that it is essential to put an end to the serious deterioration of the human rights situation in Bougainville, in particular arbitrary arrests and detentions, summary executions, torture and inhuman treatment, forced population displacements, restrictions on essential medical and other essential needs and serious shortcomings in the administration of justice,

"Stressing the need to put an end to impunity of persons responsible for human rights violations.

"1. Welcomes the statement by the Government of Papua New Guinea at the General Assembly at its forty-eighth session that it is prepared to commence negotiations with representatives of the Bougainville people, but regrets that there has been no progress towards such negotiations by the Government;

"2. Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group but regrets the lack of response from the Government of Papua New Guinea to this initiative for peace;

"3. Once again urges all parties to undertake all possible efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Bougainville;

"4. Once again calls upon all parties to permit international agencies, humanitarian organizations and donor Governments to deliver humanitarian assistance to the civilian population;

"5. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Bougainville, and calls on all parties to respect human rights;

"6. Expresses concern at the lack of progress in efforts to end the armed conflict and to find a comprehensive political solution to the conflict;

"7. Expresses deep concern at the reports of serious human rights violations in Bougainville, including summary execution, torture, rape, disappearances, forced displacement of peoples, ill-treatment and the use of weapons against civilian populations;

"8. Also expresses deep concern at the deliberate impeding of the delivery of medical and other items of a humanitarian nature essential for the civilian population, which constitutes a violation of international humanitarian law, and demands that all parties to the conflict ensure that persons under their control cease all interference with deliveries of humanitarian supplies;

"9. Urges the Government of Papua New Guinea to invite promptly the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture to conduct on-site investigations in Bougainville;

"10. Also urges the Government of Papua New Guinea to extend its full cooperation to the thematic rapporteurs of the Commission on Human Rights;

"11. Requests the Secretary-General to appoint a special representative:

"(a) To establish direct contact with the Government of Papua New Guinea and representatives of the people of Bougainville to investigate the situation of human rights in Bougainville, including any progress made towards the full restoration of human rights and compliance with international human rights instruments and international humanitarian law;

"(b) To explore ways to promote an end to armed conflict and to facilitate dialogue and negotiations between the parties to the conflict, with a view to reaching a comprehensive, just and lasting solution and the full restoration of human rights;

"(c) To receive credible and reliable information from Governments and non-governmental organizations, to hear witnesses and to use such modalities as he may deem necessary for his mandate;

"(d) To report to the Commission on Human Rights at its fifty-first session;

"12. Decides to consider the situation of human rights in Bougainville at its fifty-first session under the same agenda item."

121. At the 66th meeting, on 9 March 1994, the representative of Nigeria introduced a revised draft resolution (E/CN.4/1994/L.93/Rev.1) having the same sponsors as draft resolution E/CN.4/1994/L.93.

122. The representative of Nigeria orally revised the English text of the draft resolution as follows:

(a) In the third preambular paragraph, the words "freedoms by the indigenous people" were replaced by the words "freedoms of the people";

(b) In the fifth preambular paragraph, the expression "European Economic Community" was replaced by the expression "European Economic Commission";

(c) In the same paragraph, the words "as well as some other relevant international observers" were deleted;

(d) In operative paragraph 1, the final part of the text after the "the Bougainville people" was deleted and replaced by "various groups in the province of Bougainville, but regrets that the Government has not advised of any subsequent progress towards such negotiations";

(e) In operative paragraph 2, the original text which read as follows "Also welcomes the call for peace and negotiations by the Bougainville Peace Conference Planning Group, but regrets a lack of response from the Government of Papua New Guinea to this initiative for peace" was replaced by the following text "Calls for peace and negotiations between the Government of Papua New Guinea and the various groups in the province of Bougainville to be urgently pursued";

(f) In operative paragraph 3, the words "as the administrative authority urgently to undertake" were replaced by the words "to urgently undertake";

(g) In operative paragraph 4, the words "Also calls" were replaced by the words "Further calls";

(h) In the same paragraph, the words "all parties to the conflict" were replaced by the words "the Government of Papua New Guinea and";

(i) In the same paragraph, the words "particularly the administrative authority" were deleted;

(j) In operative paragraph 7, the words "requests the Secretary-General to appoint a special representative" were replaced by "Requests the Secretary-General, in the light of developments between the adoption of this resolution and 30 September 1994, to consider the appropriateness of appointing a special representative whose mandate may include";

(k) In operative paragraph 7 (a), the words "the people of Bougainville" were replaced by "the people of the various groups in the Papua New Guinea province of Bougainville".

123. The representative of Papua New Guinea made a statement in connection with the draft resolution.

124. The draft resolution, as orally revised, was adopted without a vote.

125. Statements in explanation of their delegations' positions were made by the representatives of India, Indonesia and the United States of America.

126. For the text as adopted, see chapter II, section A, resolution 1994/81.

Extrajudicial, summary or arbitrary executions

127. At the 66th meeting, on 9 March 1994, the observer for Sweden* introduced draft resolution E/CN.4/1994/L.95, sponsored by Argentina*, Australia, Austria, Belgium*, Bulgaria, Canada, Chile, Costa Rica, Czech Republic*, Denmark*, El Salvador*, Finland, France, Germany, Greece*, Hungary, Iceland*, Ireland*, Italy, Kenya, Liechtenstein*, Luxembourg*, Madagascar*, Netherlands, New Zealand*, Nicaragua*, Norway*, Peru, Philippines*, Poland, Portugal*, Romania, Russian Federation, Rwanda*, Senegal*, Slovakia*, Slovenia*, Spain*, Swaziland*, Sweden*, Switzerland* and United Kingdom of Great Britain and Northern Ireland. Cyprus subsequently joined the sponsors.

128. The representative of Algeria and the Syrian Arab Republic made statements in connection with the draft resolution.

129. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of draft resolution E/CN.4/1994/L.95.

130. The draft resolution was adopted without a vote.

131. For the text adopted, see chapter II, section A, resolution 1994/82.

Situation of human rights in southern Lebanon

132. At the same meeting, the representative of Tunisia introduced draft resolution E/CN.4/1994/L.96, sponsored by the following countries: Algeria*, Bahrain*, Bangladesh, Cuba, Indonesia, Kuwait*, Lebanon*, Madagascar*, Malaysia, Mauritania, Morocco*, Oman*, Pakistan, Qatar*, Saudi Arabia*, Sudan, Syrian Arab Republic, Tunisia, Yemen*. The United Arab Emirates later joined the sponsors of the draft resolution.

133. The representative of Tunisia orally revised the English text of the draft resolution as follows:

(a) In the first preambular paragraph the word "Fourth" was added before the words "Geneva Convention";

(b) In the third preambular paragraph, the word "denouncing" was replaced by "deploring";

(c) In the fifth preambular paragraph, the words "Israeli violations of human rights in Southern Lebanon" were replaced by the words "human rights violations committed by Israel in the occupied areas of southern Lebanon";

(d) In operative paragraph 2, the words "relevant resolutions" were replaced by "above-mentioned resolutions";

(e) In operative paragraph 4, the words "all the Lebanese" were replaced by the words "all those Lebanese";

(f) In operative paragraph 4, the words "to international law" were replaced by the words "to other provisions of international law".

134. The representative of the United States of America asked for the draft resolution to be put to the vote. At the request of the representative of Tunisia, a roll-call vote was taken.

135. The draft resolution was adopted by 48 votes to 1, with 3 abstentions. The voting was as follows:

In favour: Australia, Austria, Bangladesh, Barbados, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Ecuador, Finland, France, Gabon, Germany, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Japan, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Mauritania,

Mauritius, Mexico, Netherlands, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

Against: United States of America.

Abstaining: Angola, Cameroon, Cote d'Ivoire.

136. After the vote, the representatives of Japan and the Netherlands made statements explaining their delegations' positions.

137. For the text adopted, see chapter II, section A, resolution 1994/83.

Draft resolution proposed by the Chairman

138. At the same meeting, the Chairman introduced draft resolution E/CN.4/1994/L.97.

139. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

140. The draft resolution was adopted without a vote.

141. For the text adopted, see chapter II, section A, resolution 1994/84.

Situation of human rights in Myanmar

142. At the same meeting, the representative of France introduced draft resolution E/CN.4/1994/L.99, sponsored by the following countries: Austria, Belgium*, Canada, Denmark*, Finland, France, Germany, Greece*, Ireland*, Italy, Luxembourg*, Netherlands, Norway*, Spain*, and the United Kingdom of Great Britain and Northern Ireland. Australia, Bulgaria, Chile, Hungary, Iceland*, Poland, Portugal*, Slovakia, Sweden*, Switzerland* and the United States of America later joined the sponsors of the draft resolution.

143. The representative of Myanmar made a statement on the draft resolution.

144. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and budget implications 2/ of the draft resolution.

145. The draft resolution was adopted without a vote.

146. The representative of Japan made a statement in explanation of his delegation's position.

147. For the text adopted, see chapter II, section A, resolution 1994/85.

Situation of human rights in Burundi

148. At the same meeting, the representative of Cameroon introduced draft resolution E/CN.4/1994/L.100, sponsored by the following countries: Burundi*, Gabon, Guinea-Bissau, Haiti*, Mauritania, Mauritius, Rwanda*, Swaziland* and Zaire*. Belgium, Chile, Ethiopia*, France, the Gambia*, Ghana*, Guinea-Bissau, Malawi, Senegal* and the United States of America later joined the sponsors of the draft resolution.

149. The representative of Cameroon orally revised the draft resolution as follows:

(a) In the third preambular paragraph, the words "the increase in the acts of inter-ethnic violence" were replaced by "the inter-ethnic violence";

(b) In the fourth preambular paragraph, the word "fleeing" was replaced by "who have fled". In the same paragraph, after the words "those host countries", the phrase "and about the large number of persons displaced within the country" was added;

(c) In operative paragraph 1, the words "military coercion" were deleted and replaced by the phrase "calls for all members of society, civil and military, to respect the constitution of the country";

(d) In operative paragraph 2, the words "to lend" were replaced by "to continue to lend", and the word "massacres" by "violence";

(e) In operative paragraph 3, after "those persons' safety", the phrase "and also thanks the international community for its humanitarian assistance to Burundian citizens during the crisis" was added;

(f) In operative paragraph 5, the phrase "the dispatch to Burundi, in support of the Special Representative's action, of a small United Nations fact-finding and advisory group" was replaced by "current efforts to mount an international mission of inquiry to establish the facts relating to the attempted coup d'état and the ensuing violence, and to advise and";

(g) In operative paragraph 8, the words "coup d'état" were replaced by "human rights violations stemming from the attempted coup d'état";

(h) Operative paragraph 9, reading "Requests the Chairman of the Commission on Human Rights to appoint an independent expert of the Commission with a mandate to prepare a report on the situation of human rights in Burundi on the basis of any information he deems relevant, in particular information from the Organization of African Unity, so as to submit a report to the Commission at its fifty-first session and a report to the General Assembly at its forty-ninth session" was replaced by a new paragraph 9;

(i) Paragraphs 10 and 11, reading:

"10. Invites the authorities of Burundi to cooperate fully with the independent expert;

"11. Requests the Secretary-General to provide all assistance needed by the independent expert for the discharge of his mandate;"

were deleted;

(j) The following paragraphs were renumbered accordingly;

(k) In operative paragraph 12, now paragraph 10, the word "requests" was replaced by "encourages", and the words "the Secretary-General to provide" were deleted. The words "with technical assistance" were replaced by the words "to request technical assistance".

150. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to a estimate of the administrative and programme budget implications 2/ of draft resolution E/CN.4/1994/L.100.

151. The draft resolution as orally revised was adopted without a vote.

152. For the text adopted, see chapter II, section A, resolution 1994/86.

Situation of human rights in Zaire

153. On 4 March 1994, draft resolution E/CN.4/1994/L.101 was submitted by the following countries: Austria, Belgium*, Denmark*, Finland, France, Germany, Ireland*, Italy, Netherlands, Norway*, Portugal*, Spain*.

154. At the same meeting the representative of France introduced a revised draft (E/CN.4/1994/L.101/Rev.1), sponsored by the same countries as draft resolution E/CN.4/1994/L.101. Australia, Canada, Greece*, Hungary, Luxembourg,

Switzerland*, Turkey*, the United Kingdom of Great Britain and Northern Ireland and the United States of America later joined the sponsors of the revised resolution.

155. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

156. The draft resolution was adopted without a vote.

157. For the text as adopted, see chapter II, section A, resolution 1994/87.

Situation of human rights in Angola

158. At the same meeting, the representative of Cameroon introduced draft resolution E/CN.4/1994/L.102, sponsored by the following countries: Algeria*, Barbados, Brazil, Cameroon, China, Ethiopia*, Equatorial Guinea, the Gambia*, Ghana*, Guinea-Bissau, India, Kenya, Madagascar*, Malawi, Mauritania, Nigeria, Pakistan, Portugal*, Russian Federation, Senegal*, Sudan, Syrian Arab Republic, Togo, Tunisia, United Republic of Tanzania*, Viet Nam*, Zambia* and Zimbabwe*. Algeria*, Angola, Argentina*, Barbados, Belgium, Cameroon, Chile, Costa Rica, Ethiopia*, Equatorial Guinea*, Gabon, Germany, Greece*, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Lesotho, Morocco*, Norway, Pakistan, Portugal, Russian Federation, Spain*, Swaziland*, Sweden, Syrian Arab Republic, Tunisia, United States of America, Viet Nam* and Zaire later joined the sponsors of the draft resolution.

159. The representative of Cameroon orally revised the draft resolution as follows:

(a) In operative paragraph 4, the words ", particularly UNITA," and the words "at the talks in Lusaka" were deleted. The phrase "and equally refrain from action impeding the delivery of humanitarian aid" was added at the end of the paragraph.

160. The draft resolution was adopted without a vote.

161. The representative of Angola made a statement in explanation of his delegation's position.

162. For the text as adopted see chapter II, section A, resolution 1994/88.

A. Question of human rights in Cyprus

163. In connection with agenda item 12 (a), the Commission had before it the following documents:

Report of the Secretary-General provided pursuant to Commission decision ..../.... (E/CN.4/1994/....) [to be completed]

[for possible completion]

164. Statements were made by the following members of the Commission: Austria (52nd), Bulgaria (53rd), China (50th), Cyprus (51st), India (51st and 61st), Japan (60th), Kenya (53rd), Nigeria (51st), Pakistan (60th), Russian Federation (60th), Syrian Arab Republic (60th).

165. The Commission also heard statements by the observers for: Argentina (52nd), Greece (51st), Greece (on behalf of the European Union and its member States) (52nd), Myanmar (59th).

166. The observer for Switzerland made a statement (60th).

167. Statements were made by the following non-governmental organizations: Inter-Parliamentary Union (50th) and International League for the Rights and Liberation of Peoples (52nd).

168. Statements in exercise of the right of reply, or equivalent to the right of reply, were made by the representatives of Cyprus (54th and 57th), Greece (57th), Turkey (52nd, 54th and 57th).

169. At the 66th meeting, on 9 March 1994, the Chairman proposed a draft decision postponing the debate on agenda item 12 (a) to the fifty-first session of the Commission, when it would be given due priority, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General that he provide a report to the Commission regarding their implementation.

170. The draft decision was adopted without a vote.

171. For the text as adopted, see chapter II, section B, decision 1994/110.

B. Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

172. The Commission considered item 12 (b) in closed session at its 36th and 37th meetings, on 23 February 1994. It had before it for consideration under Economic and Social Council resolution 1503 (XLVIII) the human rights situations in Armenia, Azerbaijan, Chad, Estonia, Germany, Kuwait, Rwanda, Somalia and Viet Nam, as publicly announced by the Chairman. The Chairman also announced that the Commission had decided to discontinue consideration of the human rights situation in Estonia, Germany, Kuwait, Somalia and Viet Nam. 173. The Chairman reminded the members of the Commission that, in conformity with paragraph 8 of Council resolution 1503 (XLVIII), they should not make any reference in public debate to the confidential decisions taken under Council resolution 1503 (XLVIII) nor to any confidential material relating thereto.

174. In accordance with rule 21 of the rules of procedure of the functional commissions of the Economic and Social Council, and after consultations with the regional groups, the Chairman will designate five members to serve in their personal capacity on the Working Group on Situations meeting prior to the fifty-first session of the Commission in 1995.

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(241)

Distr.
LIMITED

E/CN.4/1994/L.10/Add.13
2 March 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* Documents E/CN.4/1994/L.10 and addenda contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and Social Council, are contained in documents E/CN.4/1994/L.11 and addenda.

XIII. MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

1. The Commission considered agenda item 13 concurrently with items 18 and 20 (see chaps. XVIII and XX), from its 20th to 23rd meetings, on 14 and 15 February, and at its 41st meeting, on 25 February 1994.

2. For the consideration of item 13, the Commission had before it the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1994/62).

3. In the general debate on item 13, statements were made by the following members of the Commission: Pakistan (22nd meeting), Russian Federation (21st), Sri Lanka (21st).

4. The Commission also heard statements by the observers for: Estonia (22nd), Morocco (22nd), Philippines (22nd), Turkey (20th).

5. The Commission also heard statements by representatives of the following non-governmental organizations: International Association of Educators for World Peace (21st), Centre Europe-Tiers Monde (20th), International Confederation of Free Trade Unions (21st), World Confederation of Labour (23rd), Commission of the Churches on International Affairs of the World Council of Churches (20th), International Movement against All Forms of Discrimination and Racism (23rd), Women's International League for Peace and Freedom (22nd), Third World Movement against the Exploitation of Women (23rd).

6. Statements equivalent to the right of reply were made by the representatives of Bangladesh (22nd) and Viet Nam (22nd).

7. At its 41st meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 13.

8. The representative of Mexico introduced draft resolution E/CN.4/1994/L.25, sponsored by Chile, Colombia, Costa Rica, Croatia*, Cuba, Czech Republic*, Ecuador, El Salvador*, Ghana*, Guatemala*, Malawi, Madagascar*, Mauritania, Mexico, Morocco*, Pakistan, Peru, Philippines*, Portugal*, Romania, Russian Federation, Rwanda*, Sri Lanka, Turkey*, Uruguay, Venezuela and Zambia*. The sponsors were subsequently joined by Nigeria, Senegal* and Tunisia.

9. The representative of the United States of America requested that the draft resolution should be put to a vote. At the request of the representative of Mexico, the vote on the draft resolution was taken by roll-call.

10. The draft resolution was adopted by 39 votes to none, with 13 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Bulgaria, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Gabon, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Uruguay, Venezuela.

Against: None.

Abstaining: Australia, Austria, Canada, Finland, France, Germany, Hungary, Italy, Japan, Malaysia, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

11. A statement in explanation of vote after the vote was made by the representative of Germany.

12. For the text of the resolution see chapter II, section A, resolution 1994/17.

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Distr.
LIMITED

E/CN.4/1994/L.10/Add.14
10 March 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 14

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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* E/CN.4/1994/L.10 and addenda will contain the chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Commission as well as draft resolutions and decisions for action by, and other matters of concern to, the Economic and social Council will be contained in documents E/CN.4/1994/L.11 and addenda.

XIV. IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

1. The Commission considered item 14 of the provisional agenda concurrently with items 5 and 6 (see chaps. V and VI) from its 8th to its 12th meeting, from 4 to 8 February, and at its 64th meeting, on 9 March 1994.

2. The Commission had before it the following documents:

Report of the Secretary-General on the draft programme of action for the third decade to combat racism and racial discrimination (A/48/423);

Note by the Secretary-General transmitting the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1994/63);

Note from the International Labour Office: ILO activity to combat racial discrimination in southern Africa (E/CN.4/1994/63);

Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1993/20 (E/CN.4/1994/66).

3. At the 9th meeting, on 4 February 1994, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance introduced his report (E/CN.4/1994/66) to the Commission.

4. In the general debate on item 14, statements were made by the following members of the Commission: Australia (11th), Bangladesh (11th), Brazil (8th), China (10th), Cyprus (11th), Cuba (11th), United States of America (9th), Russian Federation (10th), Finland (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (11th), Hungary (9th), Republic of Korea (11th), Romania (11th), Sudan (9th).

5. The Commission also heard statements by the observers for: Algeria (11th), Egypt (12th), Spain (12th), Greece (on behalf of the European Union and its member States) (11th), Morocco (10th), Senegal (11th), Turkey (12th).

6. The Commission also heard statements by the following non-governmental organizations: African Association of Education for Development (12th), International Association against Torture (10th), International Association of

Educators for World Peace (12th), World Jewish Congress (9th), International Council of Jewish Women (9th), Centre Europe-tiers monde (10th), Movement against Racism and for Friendship among Peoples (10th), International Movement against All Forms of Discrimination and Racism (10th), International Fellowship of Reconciliation (12th).

7. A joint statement was made by the Women's International League for Peace and Freedom on behalf of the following non-governmental organizations: International Alliance of Women, African Association of Education for Development, International Association of Democratic Lawyers, International Council of Jewish Women, World Jewish Congress, International Indian Treaty Council, World Peace Council, International Abolitionist Federation, International Federation of Women in Legal Careers, World Federation of Methodist Women, World Federation of Trade Unions, International Lesbian and Gay Association, International League for the Rights and Liberation of Peoples, Movement against Racism and for Friendship Among Peoples, International Youth and Student Movement for the United Nations, International Movement against All Forms of Discrimination and Racism, International Movement for Fraternal Union among Races and Peoples, Third World Movement against the Exploitation of Women, World Federalist Movement, Centre International (10th).

8. At the 12th meeting, on 8 February 1994, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mr. Maurice Glélé-Ahanhanzo, introduced his final observations,

9. At its 30th meeting, on 18 February 1994, the Commission took up consideration of the draft resolutions submitted under agenda item 14.

10. The representative of Senegal introduced draft resolution E/CN.4/1994/L.13, sponsored by Angola, Barbados, Brazil, Burundi*, Cameroon, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Ethiopia*, Gabon, Guatemala, Haiti*, Indonesia, Kenya, Lesotho, Madagascar*, Malawi, Mauritania, Mauritius*, Morocco*, Nigeria, Rwanda*, Senegal*, Sudan, Syrian Arab Republic, Togo, Tunisia, United Republic of Tanzania*, Zambia* and Zimbabwe*. Algeria*, Cuba, Denmark*, France, Jordan*, Libyan Arab Jamahiriya, Nicaragua*, Norway, Peru, Spain* and Sri Lanka subsequently joined the sponsors.

11. The representative of Senegal orally amended the draft resolution by replacing in the 17th preambular paragraph and in operative paragraph 10 the words "indigenous peoples" by the words "indigenous populations".

12. In accordance with rule 28 of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative implications and the programme budget implications of the draft resolution.

13. The draft resolution, as orally amended, was adopted without a vote.

14. The text of the resolution appears in section A of chapter A (resolution 1994/9).

15. On 16 February 1994, draft resolution E/CN.4/1994/L.14 was introduced by the following countries: Denmark*, Finland, Norway*, Romania, Sweden*, Turkey* and the United Kingdom of Great Britain and Northern Ireland. It read as follows:

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights,

Recalling its resolution 1993/20 of 2 March 1993,

Recalling also General Assembly resolutions 48/91 of 20 December 1993 and 48/148 of 20 December 1993,

Bearing in mind the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, and, in particular, the attention given to the Programme of Action for the Elimination of Racism, Racial Discrimination, Xenophobia and Other Forms of Intolerance,

Noting resolution 1993/3 of 16 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of the report of the Secretary-General on measures to combat racism and racial discrimination submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/11),

Having examined the first report (E/CN.4/1994/66) of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

Concerned that despite efforts, racism, racial discrimination, anti-Semitism, xenophobia and related intolerance, as well as acts of racial violence, persist, and are even growing in magnitude, continually assuming new forms,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups,

1. Expresses its appreciation to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance for his report (E/CN.4/1994/66);

2. Welcomes the proclamation by the General Assembly of the Third Decade to Combat Racism and Racial Discrimination beginning in 1993 and the Programme of Action for the Third Decade;

3. Also welcomes the Special Rapporteur's proposal concerning the organization of an interdisciplinary seminar on the problems of the theoretical aspects and specific manifestations of contemporary forms of racism, racial discrimination and xenophobia;

4. Requests the Special Rapporteur to examine, in accordance with his mandate, incidents and governmental measures and to report on these matters to the Commission at its fifty-first session;

5. Also requests the Special Rapporteur to have an exchange of views with the various relevant mechanisms and treaty bodies within the United Nations system, including the Committee on the Elimination of Racial Discrimination, in order to further enhance their effectiveness and mutual cooperation;

6. Calls upon all Governments, intergovernmental organizations, relevant organizations of the United Nations system, as well as the non-governmental organizations, to supply information to the Special Rapporteur;

7. Encourages the Special Rapporteur in close consultation with Governments, relevant organizations of the United Nations system, other intergovernmental organizations and non-governmental organizations to present further recommendations concerning human rights education with a view to preventing actions giving rise to racism and racial discrimination;

8. Requests the Special Rapporteur to use any information that he might deem relevant to his mandate;

9. Encourages Governments to cooperate closely with the Special Rapporteur with a view to enabling him to fulfil his mandate;

10. Regrets that the Special Rapporteur encountered difficulties in preparing his first report, owing to the lack of necessary resources;

11. Requests the Secretary-General without further delay to provide the Special Rapporteur with all the necessary assistance to carry out his mandate and to enable him to submit a comprehensive report to the Commission at its fifty-first session.

16. At the 31st meeting, the representative of Turkey introduced a revised draft resolution (E/CN.4/1994/L.14/Rev.1) sponsored by Denmark*, Finland, Norway*, Romania, Sweden* and Turkey*. Albania*, Australia, Austria, Belgium*, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, Hungary, Iceland*, Ireland*, Lichstenstein*, Malaysia, Mexico, New Zealand*, Peru, Russian Federation, Slovakia* and Switzerland* subsequently joined the sponsors.

17. The Chairman drew attention to the following correction: the phrase "as established in Commission resolution 1993/20 of 2 March 1993" which appeared at the end of operative paragraph 8 should come after the word "mandate" at the end of paragraph 9.

18. Statements in connection with the draft resolution were made by the representatives of Brazil, Chile, the Islamic Republic of Iran, Mauritius, the Sudan and the Syrian Arab Republic.

19. The representative of Mauritius requested that the seventh preambular paragraph should be put to the vote.

20. At the request of the representative of the United States of America, this vote was taken by roll-call.

21. The seventh preambular paragraph was retained by 34 votes to none, with 17 abstentions. The voting was as follows:

In favour:	Angola, Australia, Austria, Barbados, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Ecuador, Finland, France, Germany, Hungary, Italy, Japan, Kenya, Malaysia, Mexico, Netherlands, Peru, Poland, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.
Against:	None.
Abstaining:	Bangladesh, China, India, Indonesia, Iran (Islamic Republic of), Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mauritius, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia.

22. The representative of the United States of America proposed that in operative paragraph 4 of the draft resolution the word "anti-Semitism" should be inserted after the words "racial discrimination".

23. The amendment was supported by the Netherlands.

24. The representative of the Syrian Arab Republic proposed that in operative paragraph 4 of the draft resolution the words "anti-Arab and anti-Islam" should be inserted after the word "anti-Semitism", whose insertion had been proposed.

25. This amendment was supported by the Sudan and Iran.

26. The representative of Germany proposed that in operative paragraph 7 of the draft resolution the word "anti-Semitism" should be inserted after the words "racial discrimination".

27. The representative of the Syrian Arab Republic proposed that in operative paragraph 7 of the draft resolution the words "anti-Arab and anti-Islam" should be inserted after the word "anti-Semitism", whose insertion had been proposed.

28. Statements in connection with the draft resolution and proposed amendments were made by the representatives of Brazil, Bulgaria, Kenya, the Libyan Arab Jamahiriya and Peru.

29. The Commission decided to postpone consideration of draft resolution E/CN.4/1994/L.14/Rev.1.

30. At the 64th meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.14/Rev.1.

31. The representative of Turkey proposed the following oral amendments to the English text of the draft resolution:

(a) In operative paragraph 4, the words "any forms of discrimination against Blacks, Arabs and Muslims" should be inserted after the words "racial discrimination";

(b) In the same paragraph, the word "anti-Semitism" should be inserted after the word "xenophobia".

32. The representative of Nigeria proposed that, in the English text of operative paragraph 4, the word "negrophobia" should be inserted after the word "xenophobia".

33. Statements in connection with the draft resolution and proposed amendments were made by the representatives of Brazil, Cuba, Finland and the Russian Federation.

34. The representative of Mauritius requested a vote on the amendments to the draft resolution proposed by Turkey and Nigeria.

35. At the request of the representative of Cuba, a roll-call vote was taken on the amendment proposed by Nigeria.

36. The amendment was adopted by 39 votes to none, with 13 abstentions. The voting was as follows:

In favour: Angola, Bangladesh, Barbados, Cameroon, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Ecuador, France, Gabon, Germany, Guinea Bissau, Hungary, India, Indonesia, Iran (Islamic Republic of), Italy, Kenya, Lesotho, Libyan Arab Jamahiriya, Malawi, Mauritania, Mexico, Nigeria, Pakistan, Peru, Poland, Republic of Korea, Romania, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against: None.

Abstaining: Australia, Austria, Brazil, Bulgaria, Canada, Finland, Japan, Malaysia, Mauritius, Netherlands, Russian Federation, United States of America, Venezuela.

37. The delegation of Costa Rica stated that it had not taken part in the vote.

38. At the request of the representative of Mauritius, the amendment proposed by Turkey was put to the vote.

39. The amendment was adopted by 51 votes to none, with 2 abstentions.

40. The representative of the Sudan made a statement and agreed not to press the amendment proposed by the representative of the Syrian Arab Republic at the 31st meeting, which his delegation had supported.

41. The representatives of France and the Syrian Arab Republic made statements explaining their delegation's position.

42. The draft resolution as amended was adopted without a vote.

43. For the text, see chapter II, section A, resolution 1994/64.

44. Statements in explanation of vote were made by the representatives of Indonesia and Uruguay.

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Distr.
LIMITED

E/CN.4/1994/L.10/Add.15
3 March 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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GE.94-11749 (E)

XV. STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

1. The Commission considered item 15 of the provisional agenda concurrently with items 7, 8 and 16 (see Chaps. VII, VIII and XVI) at its 13th to 19th meetings, from 8 to 11 February, and at its 41st meeting, on 25 February 1994.

(24)

Distr.
LIMITED

E/CN.4/1994/L.10/Add.16
4 March 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 26

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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XVI. EFFECTIVE FUNCTIONING OF BODIES ESTABLISHED PURSUANT TO UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

1. The Commission considered item 16 of the provisional agenda concurrently with items 7, 8 and 15 (see chaps. VII, VIII and XV) at its 13th to 19th meetings, from 8 to 11 February, and its 41st and 42nd meetings, on 25 February 1994. 1/

2. The Commission had before it the following documents:

Note by the Secretary-General (E/CN.4/1994/69);

Report of the Secretary-General on financing and adequate staff resources for the operations of the human rights treaty bodies (E/CN.4/1994/101).

3. In the general debate on item 16, statements 3/ were made by the following members of the Commission: Australia (14th), Austria (15th), Bangladesh (17th), Brazil (17th), Canada (15th), China (14th), Italy (17th), Poland (16th), Russian Federation (14th), United Kingdom of Great Britain and Northern Ireland (16th).

4. The Commission also heard statements by the observers for the following countries: New Zealand (15th), Sweden (on behalf of Denmark, Finland, Iceland, Norway and Sweden) (13th).

5. The Commission also heard a statement by the following non-governmental organization: Inter-Parliamentary Union (19th).

6. At its 41st meeting, the Commission took up consideration of the draft resolutions submitted under agenda item 16.

7. The representative of Canada introduced draft resolution E/CN.4/1994/L.24, sponsored by Australia, Austria, Canada, Chile, Denmark*, Finland, Norway* and the United Kingdom of Great Britain and Northern Ireland. Armenia*, Brazil, Cameroon, Costa Rica, the Czech Republic*, France, Germany, Hungary, the Netherlands, New Zealand, Portugal*, the Republic of Korea, Sweden* and the United States of America subsequently joined the sponsors of the draft resolution.

8. The representative of Canada orally revised the draft resolution as follows:

(a) In operative paragraph 2, replace the words "including their arrears" by the word "outstanding" and delete the phrase "until the amendments enter into force".

(b) In the penultimate line of operative paragraph 6, insert the word "other" between "with" and "relevant".

(c) In operative paragraph 7 (b), insert the word "Recommending" before "designating".

(d) In operative paragraph 7 (d), replace the word "global" by the words "single comprehensive" and delete the word "comprehensive" before "periodic".

(e) Replace operative paragraph 8 (c), reading:

"Invites the treaty bodies to identify States which could benefit from technical assistance in completing their initial reports"

by the following text:

"Invites States parties which have been unable to comply with the requirement to submit their initial report to avail themselves of technical assistance".

(f) Replace operative paragraph 9, reading:

"Encourages all treaty bodies to adopt the practice of examining States parties significantly delinquent in their reporting obligations even in the absence of their reports" by the following text:

"Urges States parties to address, as a matter of priority, at their next scheduled meeting, the issue of States parties significantly delinquent in their reporting obligations".

9. The representative of India proposed that the draft resolution should be amended by replacing the expression "significantly delinquent in" in operative paragraph 9, as orally revised by the representative of Canada, by the phrase "which had not been able to comply with".

10. The representative of Kenya proposed that the draft resolution should be amended by replacing the expression "significantly delinquent in" in operative paragraph 9, as orally amended by the representative of Canada, by the phrase "which have consistently failed to comply with".

11. The representatives of Canada, Cuba, India, Pakistan and the Syrian Arab Republic made statements regarding the draft resolution and the amendments proposed.

12. Consideration of draft resolution E/CN.4/1994/L.24 was postponed.

13. At its 42nd meeting, the Commission resumed consideration of draft resolution E/CN.4/1994/L.24.

14. The representative of Canada proposed that operative paragraph 9 should be amended to read:

"Urges State parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations".

15. The representative of Cuba requested that, in the Spanish version of operative paragraph 6 only, the expression "y otros órganos pertinentes de las Naciones Unidas" in the penultimate line should be replaced by "y los órganos competentes de las Naciones Unidas".

16. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications 2/ of the draft resolution.

17. The draft resolution, as revised, was adopted without a vote.

18. For the text as adopted, see chapter II, section A, resolution 1994/19.

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(245)

Distr.
LIMITED

E/CN.4/1994/L.10/Add.17
9 March 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 17

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. François-Xavier NGOUBEYOU

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GE.94-12142 (E)

XVII. REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

1. The Commission considered agenda item 17 at its 23rd to 26th meetings, on 15 and 16 February, at its 55th meeting, on 4 March, and at its 64th meeting, on 9 March 1994.

2. The Commission had before it the following documents:

Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45);

Report of Mr. Awn Al-Khasawneh, Chairman of the Sub-Commission at its forty-fifth session, prepared in accordance with paragraph 12 of Commission resolution 1993/28 and Economic and Social Council decision 1993/261 (E/CN.4/1994/70);

Report of the Secretary-General on the draft programme of action for the prevention of traffic in persons and of the exploitation of the prostitution of others (E/CN.4/1994/71 and Add.1).

3. At the 23rd meeting, on 15 February 1994, Mr. Awn Al-Khasawneh, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session, introduced his report (E/CN.4/1994/70) to the Commission.

4. In the general debate on item 17, statements were made by the following members of the Commission: Australia (24th), Austria (25th), Brazil (24th), Bulgaria (24th), Canada (24th), Chile (24th), China (23rd), Cyprus (25th), Denmark (on behalf of Denmark, Finland, Iceland, Norway, and Sweden) (24th), France (25th), India (25th), Malaysia (24th), Mexico (25th), Netherlands (24th), New Zealand (23rd), Nigeria (24th), Republic of Korea (23rd), the Russian Federation (24th), United States of America (23rd).

5. The Commission heard statements by the observers for the following countries: Democratic People's Republic of Korea (25th), Egypt (25th), El Salvador (25th), Ukraine (25th).

6. The Commission also heard statements by representatives of the following non-governmental organizations: Anti-Slavery Society for the Protection of Human Rights (25th), Commission of the Churches on International Affairs of the World

Council of Churches (25th), Grand Council of the Crees (24th), Indian Council of South America (25th), Indian Institute for Non-Aligned Studies (24th), International Abolitionist Federation (25th), International Association for the Defence of Religious Liberty (24th), International Association of Democratic Lawyers (24th), International Association of Educators for World Peace (25th), International Fellowship of Reconciliation (25th), International Indian Treaty Council (26th), International Organization of Indigenous Resource Development (25th), Nordic Saami Council (24th), Third World Movement against the Exploitation of Women (25th), Women's International League for Peace and Freedom (25th), World Muslim Congress (25th).

7. Statements in exercise of the right of reply or its equivalent were made by the representatives of Bangladesh (24th), Egypt (25th) and the Sudan (25th).

8. At the 26th meeting, on 16 February 1994, the Chairman of the Sub-Commission at the forty-fifth session presented his conclusions.

9. At its 55th and 64th meetings, the Commission considered the draft resolutions and draft decision submitted under agenda item 17.

10. At the 55th meeting, the representative of Germany introduced draft resolution E/CN.4/1994/L.32, sponsored by Australia, Canada, Denmark*, Germany, Japan, Norway* and Sweden. The sponsors of the draft resolution were subsequently joined by Austria, Belgium*, Finland, Greece*, the Netherlands, Portugal*, Senegal*, Spain*, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

11. In accordance with rule 28 of the rules of procedure of the functional Commission of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

12. The draft resolution was adopted without a vote.

13. For the text, see chapter II, section A, resolution 1994/23.

14. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1994/L.34, sponsored by Ireland*, Netherlands, Poland, Portugal* and Romania. The sponsors of the draft resolution were subsequently joined by Nigeria.

15. Portugal later withdrew from the list of sponsors of the draft resolution.

16. The draft resolution was adopted without a vote.

17. For the text, see chapter II, section A, resolution 1994/24.

18. At the same meeting, the representative of the Netherlands introduced draft resolution E/CN.4/1994/L.35 sponsored by the Czech Republic, Iran (Islamic Republic of), Ireland*, Netherlands, the Philippines*, Poland, Portugal*, Romania, Slovakia* and the United States of America. The sponsors of the draft resolution were subsequently joined by Belgium*, Greece*, Nigeria, and the United Kingdom of Great Britain and Northern Ireland.

19. The draft resolution was adopted without a vote.

20. For the text, see chapter II, section A, resolution 1994/25.

21. In view of the adoption of resolution 1994/25 (see paras. 18-20), the Commission decided to take no action on draft resolution I, recommended for adoption by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. A).

22. At the same meeting, the representative of Australia introduced draft resolution E/CN.4/1994/L.36, sponsored by Australia, Bolivia*, Brazil, Canada, Chile, Colombia, Denmark*, Greece*, Mexico, New Zealand* and Norway*. The sponsors of the draft resolution were subsequently joined by Nigeria and Slovakia*.

23. The draft resolution was adopted without a vote.

24. For the text, see chapter II, section A, resolution 1994/26.

25. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.37, sponsored by Canada, Colombia, Denmark*, Finland, Hungary, Norway* and Venezuela. Algeria*, Australia, Costa Rica, Cyprus, the Czech Republic*, El Salvador*, Germany, Greece*, the Islamic Republic of Iran, Ireland*, Japan, Latvia*, the Libyan Arab Jamahiriya, Nigeria, the Philippines*, Sweden*, the United Kingdom of Great Britain and Northern Ireland, and Turkey* subsequently joined the sponsors.

26. The representative of Canada orally revised the draft resolution by inserting a new paragraph between the second and third preambular paragraphs, reading: "Noting also the Centre for Human Rights publication Human Rights and Disabled Persons (United Nations publication, Sales No. E.92.XIV.4) by

Mr. Leandro Despouy, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in which the establishment of a mechanism such as an international ombudsman is proposed,".

27. A statement in connection with the draft resolution and the proposed amendment was made by the representative of Costa Rica.

28. The draft resolution, as orally revised, was adopted without a vote.

29. For the text as adopted, see chapter II, section A, resolution 1994/27.

30. At the same meeting, the representative of Denmark* introduced draft resolution E/CN.4/1994/L.38, sponsored by Australia, Belgium*, Bolivia*, Chile, Colombia, Cuba, Denmark*, Finland, Greece*, Iceland*, Italy, Mexico, New Zealand, Nicaragua*, Norway*, Portugal*, the Russian Federation and Sweden*. Cameroon, Canada, Ecuador and Nigeria subsequently joined the sponsors.

31. The representative of Denmark* orally revised the draft resolution by inserting a new paragraph between the first and second preambular paragraphs, reading: "Bearing in mind Articles 55 and 56 of the Charter of the United Nations in the context of all human rights of indigenous people;".

32. The draft resolution, as orally revised, was adopted without a vote.

33. For the text, see chapter II, section A, resolution 1994/28.

34. At the same meeting, the representative of Canada introduced draft resolution E/CN.4/1994/L.41, sponsored by Australia, Brazil, Canada, Chile, Colombia, Costa Rica, Denmark*, Finland, Greece*, Hungary, Mexico, New Zealand*, Norway*, the Russian Federation and Sweden*. Cyprus, Nigeria and Slovakia* subsequently joined the sponsors.

35. The draft resolution was adopted without a vote.

36. For the text, see chapter II, section A, resolution 1994/29.

37. In view of the adoption of resolution 1994/29 (see paras. 34-36), the Commission decided to take no action on draft decision 12, recommended for adoption by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

38. At the same meeting, the representative of the United States of America introduced draft decision E/CN.4/1994/L.33, sponsored by Australia, Germany, Greece*, Hungary, Kenya, the Netherlands, Poland, Romania, the Russian

Federation, the United States of America and Uruguay. Cyprus subsequently joined the sponsors.

39. Statements in connection with the draft decision were made by the representatives of Cuba, India, the Syrian Arab Republic and the United States of America.

40. Statements in explanation of their delegations' positions were made by the representatives of Cuba, Mexico and the Republic of Korea.

41. The draft decision was adopted without a vote.

42. For the text, see chapter II, section B, decision 1994/103.

43. In view of the adoption of decision 1994/103 (see paras. 38-42), the Commission decided to request the Sub-Commission to reconsider draft decisions 1, 2, 4, 8 and 13, which it had recommended for adoption (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

44. At the same meeting, the Commission considered draft decision 6, recommended by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

45. The draft decision was adopted without a vote.

46. For the text, see chapter II, section B, decision 1994/104.

47. At the same meeting, the Commission considered draft decision 11, recommended by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

48. The representative of Brazil proposed that all references to "indigenous peoples" in the draft decision should be replaced by "indigenous people".

49. The representative of Australia proposed that the text should remain as it stood, with the expression "indigenous peoples".

50. The representative of India supported the proposal by the representative of Brazil.

51. The representative of Australia, not having pressed the proposal, agreed to the amendment by Brazil.

52. The draft decision, as amended by Brazil, was adopted without a vote.

53. For the text, see chapter II, section B, decision 1994/105.

54. At the same meeting, the Commission considered draft decision 14, recommended by the Sub-Commission (see E/CN.4/1994/2-E/CN.4/Sub.2/1993/45, chap. I, sect. B).

55. The draft decision was adopted without a vote.

56. For the text, see chapter II, section B, decision 1994/106.

57. At the 64th meeting, the representative of Cuba introduced draft resolution E/CN.4/1994/L.30, sponsored by Angola, China, Colombia, Cuba, Ethiopia*, Guatemala*, Kenya, Lesotho, Mauritania, Nigeria, Peru, the Sudan, the Syrian Arab Republic, Uruguay and Venezuela.

58. The representative of Cuba orally revised the English text of the draft resolution as follows:

(a) Fourth preambular paragraph, replace the original text, which read as follows: "Reaffirming the need to adopt an integrated and balanced approach to the issues related to environment, development and human rights", by the following text: "Noting the need to adopt an integrated and balanced approach to the issues related to sustainable development, democracy and human rights".

(b) Sixth preambular paragraph, replace the original text which read as follows: "Considering the right to a healthy environment as an inalienable right and an integral part of all human rights and that it is the responsibility of all States to promote the right to life in an environmentally healthy world, through the protection and rational use of natural resources, non-pollution of water and air and the conservation of animals and plants" by the following text: "Conscious of the important work undertaken on environment and development issues by the Commission on Sustainable Development, the United Nations Environment Programme and other relevant forums".

(c) Seventh preambular paragraph, replace the original text which read as follows: "Reiterating the statement contained in the Vienna Declaration and Programme of Action that the right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations" by the following text: "Considering that the promotion of an environmentally healthy world contributes to the protection of the human rights to life and health of everyone, and reaffirming that in this connection States shall act in accordance with their common but differentiated responsibilities and respective capabilities".

(d) Eighth preambular paragraph, replace the original text, which read as follows: "Recognizing that the majority of current situations of environmental pollution, including the dumping of toxic and dangerous waste, originate in industrialized countries and that these countries bear the responsibility in combating such pollution in order to attain environmentally healthy living conditions, bearing especially in mind the vulnerability of certain peoples, populations, groups or categories of persons to environmental problems, particularly in developing countries" by the following text: "Recognizing that illicit dumping of toxic and dangerous substances and waste potentially constitute a serious threat to the human rights to life and health of everyone, bearing especially in mind the vulnerability and concern of developing countries, and that States should adopt and vigorously implement existing conventions relating to the dumping of toxic and dangerous products and waste, and cooperate in the prevention of illicit dumping".

(e) Ninth preambular paragraph, after "States", insert "have" and replace "development policies" by "developmental policies".

(f) Tenth preambular paragraph, replace the original text, which read as follows: "Reaffirming also the importance of international cooperation in the research and development of environmentally sound technologies, as well as the need to promote the transfer of such technologies, on favourable terms, to developing countries so that they may help to clean and protect the environment in accordance with their development programmes, national policies, regulations and legislation" by the following text: "Reaffirming also the importance of promoting, facilitating and financing, as appropriate, the access to and the transfer of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, as well as the special needs of developing countries".

(g) Operative paragraph 1, replace the original text, which read as follows: "Reaffirms principle No. 1 of the United Nations Conference on the Human Environment (Stockholm, 5-16 June 1972) Declaration, which states that 'man has the fundamental right to freedom, equality and adequate conditions of life,

in an environment of a quality that permits a life of dignity and well-being, and he bears solemn responsibility to protect and improve the environment for present and future generations'" by the following text: "Reaffirms principle No. 1 of the Rio Declaration on Environment and Development, which states that human beings are at the centre of concerns for sustainable development and that they are entitled to a healthy and productive life in harmony with nature".

(h) Operative paragraph 2, replace the original text, which read as follows: "Reiterates the close link between the right to a healthy environment and the right to development, both at the national and the international level" by the following text: "Reiterates that the right to development must be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations".

(i) Operative paragraph 3, replace the original text, which read as follows: "Reaffirms that environmental damage has direct effects on the enjoyment of a series of human rights such as the rights to life, to health, to a satisfactory standard of living, to sufficient food, to housing, to education, to work, to culture, to non-discrimination, to dignity and the harmonious development of one's personality, to security of person and family, to development and to peace" by the following text: "Recognizes that environmental damage has potentially negative effects on human rights and the enjoyment of life, health and a satisfactory standard of living".

(j) Operative paragraph 4, at the end, replace the words "reflecting recognition and implementation of the right to a healthy environment as a universal human rights" by "reflecting the link between a healthy environment and the full enjoyment of human rights".

(k) Operative paragraph 5, replace the original text, which read as follows: "Stresses the need for developed countries, as those mainly responsible for the existing problems of pollution, to transfer state-of-the-art and environmentally sound technologies to developing countries in order to help them to clean and protect the environment in the implementation of their national development programmes" by the following text: "Recalls that everyone has the right to enjoy the benefit of scientific progress and its application, and calls

for international cooperation to ensure that human rights and dignity are fully respected in this area of universal concern".

(l) Operative paragraph 6, replace the original text, which read as follows: "Decides to appoint Mrs. Fatma Zohra Ksentini Special Rapporteur on human rights and the environment in order to monitor and examine present and future environmental problems affecting the full enjoyment of human rights" by the following text: "Also recalls chapter 33 of Agenda 21 on the provision of new and additional financial resources to developing countries to achieve sustainable development".

(m) Operative paragraph 7, replace the original text, which read as follows: "Requests the Special Rapporteur to prepare a series of practical recommendations on how to include the right to a healthy environment in the activities of human rights bodies, including working groups, special rapporteurs and bodies established by international human rights instruments" by the following text: "Endorses the request of the Sub-Commission to the Special Rapporteur to prepare a final report on human rights and the environment with conclusions and recommendations including recommendations for the follow-up, by the Commission of her work".

(n) Operative paragraph 8, replace the original text, which read as follows: "Also requests the Special Rapporteur to submit a report to the Commission on Human Rights at its fifty-first session and an interim report to the General Assembly at its forty-ninth session on the effects of environmental problems on the full enjoyment of human rights, as well as effective measures to be implemented in order to promote and protect these rights" by the following text: "Decides to continue its consideration of this question, including the recommendation of the Sub-Commission, at its fifty-first session under the agenda item entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, and study of special problems which developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an

adequate standard of living; foreign debt, economic adjustment policies and their effect on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development".

59. In accordance with rule 28 of the rules of procedure of functional commissions of the Economic and Social Council, the attention of the Commission was drawn to an estimate of the administrative and programme budget implications of the draft resolution.

60. The draft resolution, as revised, was adopted without a vote.

61. For the text, see chapter II, section A, resolution 1994/65.

62. In view of the adoption of resolution 1994/65 (see paras. 56-60), the Commission decided to take no action on draft decision 5, recommended for adoption by the Sub-Commission (see E/CN.4/1994/2 - E/CN.4/Sub.2/1993/45, chap. I, sect. B).

63. The representative of Japan made a statement in explanation of vote on draft resolution E/CN.4/1994/L.30.